

Honorable Abraham Ribicoff, Chairman
Committee on Government Operations
United States Senate
Washington, D.C. 20510

Dear Mr. Chairman:

I am pleased to provide my views, pursuant to the Committee's requests, on three bills which would alter the existing pattern of congressional oversight of the Central Intelligence Agency. All three bills would establish a permanent joint committee which would, alternatively:

- (a) exercise legislative oversight of all Federal information and intelligence agencies (S. Con. Res. 4);
- (b) study the extent and methods of investigation or surveillance of individuals by any Federal instrumentality within the United States, and make recommendations on the organization of these agencies (S. 189); or
- (c) exercise legislative oversight of the Federal agencies comprising the intelligence community, the Secret Service, plus any surveillance or intelligence activities of any other Federal department or agency (S. 317).

Since the manner of exercising oversight of CIA is a matter for the Congress to determine, these comments are limited to those considerations which impact upon our foreign intelligence capabilities--chiefly the security of sensitive intelligence information.

Consistent with this concern, I believe oversight of CIA should be concentrated in the minimum number of committees required to effectively conduct it. Therefore, I would argue against any proposal which would merely add another layer of oversight. At present, the Agency has four regular oversight committees: subcommittees of the Senate and House Armed Services and Appropriations Committees exercise traditional legislative and appropriations review. CIA reports fully on all its activities to these four



committees. This responsibility goes beyond merely responding to inquiries; it is the Agency's policy and practice to bring any matter of possible interest to the committees' attention. Also, pursuant to the Foreign Assistance Act of 1974, CIA's non-intelligence gathering activities are reported to the Senate Committee on Foreign Relations and House Committee on International Relations in addition to the regular oversight committees.

Because of the extreme sensitivity of many intelligence activities, the jurisdiction of the oversight committees should be exclusive. During the past year there has been an unprecedented trend toward the proliferation of oversight throughout the Congress. The creation of the select committees brought to eight the number of committees with a charter to be informed of CIA activities. Nevertheless, since then at least 11 other committees or subcommittees have demanded access to operational information. Congress could once boast that its record in protecting sensitive CIA information was exemplary. Until fairly recently, there had not been a major leak from Congress of CIA information. The reason is not difficult to discern: CIA operational information was tightly restricted to members of the oversight subcommittees. However, the past year has witnessed a shattering of Congress' formerly fine record of protecting sensitive national security information. The correlation should be apparent to all: the more widespread the dissemination of sensitive CIA information throughout the Congress, the greater the risk of disclosure. Expressly excluding other committees from access to CIA operational information should rectify the present situation regarding leaks, and would not impair good oversight.

Concentrated, exclusive committee jurisdiction will work to the advantage of both the Congress and the Agency. Modern intelligence is a many-faceted process, but in the last analysis it is an integrated whole. It cannot be intelligently comprehended by investigating and dissecting its parts separately. Concentrated, rather than fragmented, oversight will enable Members to build up expertise on the intelligence agencies, an asset not easily acquired. Congress will have knowledgeable Members in these responsible positions, Members whose knowledge of past programs will enable them to make independent judgments on the probable effectiveness of intelligence community proposals.

This same expertise will also work to the advantage of the Agency, as we will gain the advice and counsel of knowledgeable Members and the resulting secure environment will facilitate the freer flow of sensitive information.

To accompany concentrated, exclusive committee jurisdiction, I urge the Committee to establish enforceable rules and sanctions to govern the handling of CIA information. These rules should have two aspects. First, CIA operational information should be limited to members of the oversight committees and designated staff. Second, any injunctions of secrecy attached to such sensitive information as a result of constitutional or statutory responsibilities must be fully respected and enforced.

I am not alone in calling for enforceable rules and procedures. In the 93rd Congress, the House Select Committee on Committees studied the problems of protecting information on intelligence operations. It found that the dangers of the real world are such as to require very close protection of certain sensitive intelligence information. It strongly recommended that the House take the initiative to create an orderly set of rules governing the receipt, use, storage, and dissemination of such information. Unfortunately, no action or recommendation has been forthcoming. In 1972 concern over the propriety of making public information that had been classified by the Executive branch led the Senate to create a Select Committee to study questions relating to secret and confidential Government documents.

One specific proposal in S. 317 is deserving of special comment. Section (c) (2) of the bill provides that:

"No funds may be appropriated for the purpose of carrying out any intelligence or surveillance activity or operation by any office, or any department or agency of the Federal Government, unless such funds for such activity or operation have been specifically authorized by legislation enacted after the date of enactment of this Act."

One purpose of Section 8 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403j) was to eliminate the requirement of an annual authorization, in the interest of protecting against public disclosure of the Central Intelligence Agency budget. Acceptance of Section (c) (2) of S. 317 would vitiate this principle. I am convinced that disclosure of intelligence budgets would provide potential adversaries with significant insight into the nature and scope of our national foreign intelligence effort, particularly where analysis of year-to-year fluctuations in the budget are possible. In addition, publication of any intelligence budget figure will lead immediately to public discussion of precisely which of our intelligence activities were covered by the figure and which were not. The ensuing discussion will lead to the disclosure of many sensitive and critically important intelligence programs and activities. The history of disclosure of Atomic Energy Commission budget materials and related information by both the Executive Branch and the Congress indicates that publication of any figure with respect to intelligence would quickly stimulate pressures for further disclosure and probes by various sectors into the nature of the figure and its component elements.

Both Houses of Congress recently endorsed, by greater than 60 percent margins, the continuing necessity of a secret intelligence budget. In June 1974 the Senate, by a vote of 55-33, defeated a move to disclose the intelligence community budget. In October 1975 the House defeated an amendment to the Fiscal 1976 Defense Appropriations Bill to disclose the CIA budget total. The House vote was 267-147. As you know, all of CIA's appropriation is contained in the Defense Appropriations Bill and the Agency's budget is subject to intensive scrutiny by the Appropriations and Armed Services Committees of both Houses. The committee review of the CIA budget inherent in an authorization requirement is now accomplished in a manner meeting Congress' expressed desire to protect intelligence budget figures from disclosure.

In summary, Mr. Chairman, the Central Intelligence Agency is prepared to work with Congress in any manner Congress chooses to organize itself to exercise its constitutional responsibilities. However, in order to assist this Agency's efforts to fulfill its statutory functions, oversight must be concentrated exclusively in the minimum number of committees necessary to effectively conduct it. Rules and enforceable sanctions limiting access to CIA operational information to members and designated staff of the oversight committees, and procedures for the continuing protection of such sensitive information are also required.

Sincerely,

W. E. Colby
Director

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	Washington, D.C. 20505	DATE
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	Legislative Reference	<input type="checkbox"/> PACKAGE (S)
	Office of Management and Budget	OTHER
	Washington, D.C. 20503	
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